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10 Attorneys for Defendant  
APPLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

14 ZACHARY BOOK, DONALD COWART, and  
15 JOHN MANNERS, individually and on behalf  
of all others similarly situated.

Case No. 5:14-CV-04746-EJD

**DECLARATION OF MATTHEW D.  
POWERS IN SUPPORT OF JOINT  
STIPULATION AND [PROPOSED]  
ORDER SETTING BRIEFING  
SCHEDULE ON MOTION TO DISMISS  
FIRST AMENDED COMPLAINT**

## Plaintiffs.

V

APPLE INC..

Defendant.

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## **DECLARATION OF MATTHEW D. POWERS**

I, Matthew D. Powers, hereby declare and state as follows:

1. I am an attorney admitted to practice before all courts of the State of California and in the Northern District of California, and I am a partner with O’Melveny & Myers LLP, counsel of record for Defendant Apple Inc. (“Apple”) in the above-captioned case. I submit this declaration based upon my personal knowledge and, if called as a witness, could and would testify to the matters set forth below.

2. Apple's response to Plaintiffs Zachary Book, Donald Cowart, and John Manners ("Plaintiffs") Complaint in the above-entitled action is currently due on or before December 19, 2014.

3. Based on conversations with Plaintiffs' counsel, Plaintiffs intend to file a First Amended Complaint on or before December 19, 2014.

4. In lieu of preparing a response to the original Complaint, which will become moot upon the filing of the First Amended Complaint, Apple will prepare a response to the First Amended Complaint.

5. The parties have agreed on a briefing schedule for Apple's contemplated Motion to Dismiss Plaintiffs' First Amended Complaint that takes into account the upcoming holidays and the parties' schedules, and gives the parties sufficient time to prepare their responses. That agreed-upon briefing schedule is as follows: Plaintiffs shall file their First Amended Complaint on or before December 19, 2014; Apple shall have until January 29, 2015 to file its Motion (or otherwise respond to the First Amended Complaint); Plaintiffs shall have until March 5, 2015, to file any opposition to the Motion; Apple shall have until March 19, 2015, to file any reply to the Motion; and Apple will notice the hearing on its Motion for April 2, 2015.

6. There has been one previous time modification in this case. On November 11, 2015, the parties stipulated pursuant to L.R. 6-1(a) to extend the time for Apple to respond to Plaintiff's original Complaint. (Dkt. No. 7.)

7. The requested time modification will not alter any dates or hearings currently scheduled in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 15th day of December, 2014, at San Francisco, California.

/s/ Matthew D. Powers

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Matthew D. Powers